

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CR-148
)	(Phillips / Guyton)
VICENTE CORONA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. On August 2, 2007, this Court commenced an evidentiary hearing on Vicente Corona's Motion to Suppress [Doc. 333]. During the course of that hearing, an oral motion was made by attorney Robert Vogel to seal the testimony of three witnesses.

The Court conducted an *in camera* inquiry into the circumstances of Attorney Vogel's motion. Attorney Vogel stated the basis for his motion on the sealed record and made a proffer of supporting facts. The government objected to the motion; Mr. Corona took no position.

The Court considered the proffer made by Attorney Vogel *in camera* and the position of the United States and concluded that the safety of two witnesses and their families, under the circumstances presented, warranted sealing the testimony. The Court notes that at no time was it suggested that the defendant in this case, Vicente Corona, or anyone associated with him, was related in any way to the basis for sealing this testimony.

Resuming proceedings in open court, the Court afforded a representative of the media who was present, Jamie Satterfield of the Knoxville News-Sentinel, the opportunity to object and she did so. After considering the objection made on behalf of the media, this Court ordered certain portions of the testimony to be received under seal. In Re Knoxville News-Sentinel Co., Inc., 723 F.2d 470 (1983). Only one of the three subject witnesses testified on August 2, 2007, as it became necessary to continue the hearing into another day. The evidentiary hearing was continued to August 15, 2007. When the hearing resumed on that date, Ms Satterfield renewed her objection on behalf of the media. At that time, Attorney Vogel withdrew his oral motion for testimony of the three witnesses to be received under seal, stating that the information with potential to endanger certain persons had already been revealed through other means.

The Court finds that the basis for sealing the testimony of the three witnesses no longer exists. Accordingly, this Court's earlier order to seal portions of the testimony is VACATED. The Clerk is directed to unseal those portions of the August 2, 2007, evidentiary hearing received under seal.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge